FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 481 OD 2005.

Shrinivas Deo. ..Applicant.

vs.

Kishore S. Mehta & anr. ..Respondents.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri Sandeep Velkar for the applicant.
Shri D.P.Adsule, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 28-2-2005.

P.C.:

1. Heard learned Counsel appearing on behalf of the applicant and the learned A.P.P. for the State.

2. The applicant takes exception to the issuance of process by the learned Magistrate, under section 138 of the Negotiable Instruments Act. Learned Counsel for the applicant submits that after cheque was issued to the payee it was presented to Deccun Branch and not to the extension counter of the State Bank of India. It is, therefore, submitted that it was the duty of the complainant to verify whether cheque was deposited in the proper branch. I am unable to accept the said submission of the learned Counsel for the applicant. It was open for the

applicant to have paid the amount due after notice was issued. In any case, this question can be considered at the trial. I do not see any reason to interfere with the order of issuance of the process.

3. Criminal Application is dismissed.